

RACHEL S. DOUGHTY (SBN 255904)  
J. RAE LOVKO (SBN 208855)  
GREENFIRE LAW, PC  
2748 Adeline Street, Suite A  
Berkeley, CA 94703  
Ph/Fx: (510) 900-9502  
rdoughty@greenfirelaw.com  
rlovko@greenfirelaw.com

*Attorneys for Plaintiff*

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

AS YOU SOW, a 501 (c)(3) non-profit  
corporation,

Plaintiff,

v.

Etsy, Inc., and DOES 1-20, inclusive

Defendants,

Case No. 24-cv-04203-MMC

**DECLARATION OF RACHEL S.  
DOUGHTY**

Date: October 11, 2024

Time: 9:00 a.m.

Dept: Courtroom 7, 19<sup>th</sup> Floor

Hon. Maxine M. Chesney, presiding

I, Rachel Doughty do declare and state:

1. If sworn as a witness, I could and would testify to my personal knowledge of the facts set forth herein.
2. Attached hereto as Exhibit A is a true and correct copy of a March 8, 2024 settlement communication that I sent to ETSY in this case.
3. Plaintiff's Proposition 65 claim, as averred in Plaintiff's Complaint, is based on ETSY permitting third parties' access to its online marketplace in order to sell 9 different mercury-containing skin lightening creams. The March 8, 2024 settlement communication, on the other hand, addresses 45 different mercury-containing skin lightening creams.
4. Defendants often want to settle potential claims along with actual claims, and the settlement communication anticipated this by including more creams than are actually being

1 litigated in this case. The settlement communication also was intended to address the need to ensure  
2 future violations did not occur.

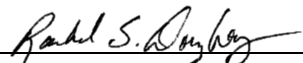
3 5. The purpose of the demand for civil penalties also was, in part, to prompt Defendant  
4 to provide more information in response.

5 6. The demand for civil penalties in an amount of \$90,000 is not a reasonable basis for  
6 estimating the amount of controversy in this action because Plaintiff had not (then or now) received  
7 discovery from Defendant regarding the number of units of listed mercury-containing skin  
8 whitening creams actually sold into California.

9 7. Information regarding the number of units of mercury-containing skin lightening  
10 creams sold to California consumers through ETSY's online marketplace is in Defendant's  
11 possession. Defendant has not provided this information despite Plaintiff asking ETSY for an  
12 informal exchange of information, including sales information, in March and April of 2024.

13 I make this declaration under penalty of perjury under the laws of the United States of  
14 America, executed this 17th day of September, 2024, in Berkeley, California.

15 GREENFIRE LAW, PC

16  
17 By:   
18 Rachel S. Doughty  
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